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S&H Form: (2/01)  
Attorney Docket No. 782.1116

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Arda Aksu, et al.

Application No.: 10/058,424

Group Art Unit: 3623

Confirmation No.: 4299

Filed: January 30, 2002

Examiner: Meinecke Diaz, Susanna M

For: PREPAID PERSONAL ADVISORY SERVICE FOR CELLULAR NETWORKS

**RESPONSE TO ELECTION REQUIREMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Madam:

In the Office Action dated June 30, 2006, an election of species requirement was made between the following three allegedly patentably distinct species:

Species I, allegedly claimed in claims 2-5, 11-13, and 24-32;

Species II, allegedly claimed in claims 6, 8, 9, 21, and 22; and

Species III, allegedly claimed in claims 7 and 20.

**PROVISIONAL ELECTIONS OF CLAIMS PURSUANT TO 37 CFR 1.146:**

The Applicants provisionally elect to prosecute Species I in response to the preliminary election requirement set forth in the Office Action. Applicants respectfully submit that at least claims 2-5, 11-13, and 24-32, and generic claims 1, 10, 14-19, and 23 read on Species I.

**APPLICANT TRAVERSES THE ELECTION REQUIREMENT:**

The Applicants respectfully submit that the election of species requirement is not well founded. A review of the application reveals that the various embodiments are so closely related

as to not require separate fields of search. Accordingly, neither the Applicants nor the U.S. Patent and Trademark Office should be put through the trouble and expense entailed in multiple filing and prosecution. In addition, Applicants submit that the public-at-large should not be required to obtain and study multiple patents in order to have available all of the issued patent claims covering the invention.

The Applicants note that the making of an election of species requirement is not mandatory in all instances where it is possible to do so. Rather, the Examiner may use discretion and choose not to make an election of species where circumstances warrant. It is believed that such is the case in the subject application. Therefore, Applicants request, under 37 C.F.R. §1.143, that the Examiner reconsider and withdraw the election of species requirement.

Further, the Applicants respectfully submit that the Examiner's characterizations of the claims is not proper and should not be read as limiting the claims beyond their language.

#### CONCLUSION:

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By:   
Christopher P. Mitchell  
Registration No. 54,946

1201 New York Ave, N.W., 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501